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20 August 1955

EMPLOYMENT POLICY AND PROCEDURE

Rescission: CIA Regulation No. [] dated 13 December 1951

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1. GENERAL

- a. This regulation prescribes Agency responsibilities and procedures for prompt adjustment of personnel complaints based on allegations of discrimination. The provisions of this regulation conform to the requirements of Executive Order 10590, dated January 18, 1955 and supplemental rules and regulations.
- b. Applicants and employees may request the advice and assistance of the Office of Personnel as to proper form and procedure for the submission of a complaint; information relating to the proper regulations applicable; and in obtaining necessary security clearances for their representatives, witnesses and evidence, as may be required to support such complaint.

2. POLICY

- a. It is the policy of this Agency in consonance with the policy of the United States Government that equal opportunity without discrimination will be afforded to all qualified persons, consistent with law, for

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employment in the Federal Government. Discrimination against any employee or applicant for employment in the Federal Government because of race, color, religion or national origin is expressly prohibited.

b. All complaints filed under the provisions of Executive Order 10590 will be handled expeditiously.

- (1) In any case in which final settlement of a complaint within an Agency component is not made within ninety days from the date of filing, a progress report setting forth a brief summary of the case and the reasons for the delay will be directed to the Employment Policy Officer.
- (2) The Employment Policy Officer will, after coordination with the Office of Security, report to the President's Committee concerning the handling of cases outstanding beyond a period of ninety days. The Committee may, at its discretion, take jurisdiction of the complaint and render an advisory opinion to the head of the Agency.
- (3) Any unjustified delay or dilatory tactics by the complainant will form the basis for dismissal of the complaint.

3. DEFINITIONS

The President's Committee on Government Employment (hereinafter referred to as the President's Committee) is the Committee established under the authority of E.O. 10590 for the several purposes of advising the President and Federal Agency heads as to the progress and conformity of Federal civilian employment with the non-discriminatory policy set forth in the Executive Order; advising heads of agencies as to their policies and regulations relating to non-discriminatory practices under the Order; reviewing of cases referred to it; rendering advisory opinions on the disposition of such cases to the heads of the organizations concerned; and making such inquiries and investigations as may be necessary to carry out its responsibilities.

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4. CIA EMPLOYMENT POLICY OFFICER

The general administration of the Agency's Employment Policy is vested in the CIA Employment Policy Officer, who together with his deputy, will be appointed by the Director of Central Intelligence. The Employment Policy Officer is directly responsible to the Director for all matters pertaining to the Agency Employment Policy program and the investigation and recommendations regarding instances of alleged discrimination.

5. RESPONSIBILITIES

a. CIA EMPLOYMENT POLICY OFFICER

The CIA Employment Policy Officer has general responsibility for the administration of the Agency's Employment Policy Program. His specific responsibilities include the following:

- (1) Advising the Director with respect to the preparation of regulations, reports, and other matters pertaining to the implementation of the Federal Employment Policy Program in CIA; the conformance of personnel activities in the Agency to the Federal Program and the provisions of Executive Order 10590.
- (2) Receiving and investigating complaints of alleged discrimination in personnel matters within the Agency and making recommendations to appropriate administrative officials for such corrective measures as he may deem necessary.
- (3) Appraising the personnel operations of the Agency at regular intervals to assure their continuing conformity to the policy stated in this regulation and in the Executive order.
- (4) Securing additional evidence at the request of the President's Committee if the evidence in a case appealed to that body is deemed by it to be inconclusive, subject to guidance and approval by the Director of Security.
- (5) Submitting to the Director a summary report concerning the final disposition of each written complaint filed in accordance with the provisions of the Executive order. The report will be submitted by the Employment Policy Officer to both the Director

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and to the Chairman of the President's Committee and will, prior to transmission to that body, be coordinated and prepared under the guidance and approval of the Office of Security. The report will contain the following information in the form and sequence indicated:

- (a) Name and address of the Agency and the complainant.
- (b) Date of complaint and with whom filed.
- (c) Brief summary of the complaint indicating the specific personnel action, if any, and specific data concerning the race, color, religion or country of origin.
- (d) Summary of the results of the appraisal of the employment practices involved and the significant facts disclosed by investigation and hearing.
- (e) Statement of the disposition of the complaint. If it is withdrawn, the reason for withdrawal will be explained.
- (f) Date of disposition of complaint.
- (g) Signature and title of reporting official.

b. OPERATING OFFICIALS AND SUPERVISORY OFFICIALS

Operating and supervisory officials will in the administration of their offices ensure that all recommendations for personnel actions are based solely upon individual factors of an employee's qualifications, merit and fitness. They will also ensure that such recommendations will be free of any discrimination (As outlined in paragraph 2a above).

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6. PROCEDURES

a. INITIATION OF COMPLAINTS

- (1) Any employee, applicant, duly authorized representative, or designated spokesman of a duly constituted group or organization who desires to file a complaint that a discriminatory employment policy, practice, or personnel action which affects him, was taken because of his race, color, religion or national origin, must file the complaint within 45 days of the specific act or personnel action of which complained. However, if the complaint involves a discharge action, it must be made within ten days of the effective date of such action unless the complainant is prevented from filing within these time limits by circumstances beyond his control. A complaint is not subject to specific time limitations if it is concerned with a continuing discriminatory practice.
- (2) An employee may initiate his complaint with the appropriate Operating Official of his office of assignment; the Employment Policy Officer, his Deputy; or with the President's Committee. If an employee desires to file a complaint directly with the Committee he must first submit a copy of the complaint to the Employment Policy Officer who will in turn coordinate it with the Office of Security for possible requirement of sterilization to avert the disclosure of intelligence sources of information. The Employment Policy Officer will return the approved and/or sterilized version of the complaint to the employee who may then submit it to the President's Committee. The complaints filed with the Committee will be noted by that body and returned to the Employment Policy Officer for consideration and appropriate action.
- (3) Each complaint must be signed by the complaining employee or applicant and must contain the following:

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- (a) The specific personnel action or matter involved in the complaint.
- (b) Whether the alleged discrimination is based on race, color, religion, or national origin.
- (c) Date of action and, when appropriate, the position involved, its grade and the unit or office in which located.
- (d) Identification of the official allegedly responsible for the action, if known.
- (e) Factual information which the complainant may have to support the allegation of discrimination with due consideration being given to the necessity for protecting operational security and security sources in the event the complaint is directed to the President's Committee.

(4) In addition to the foregoing, a complaint involving a disciplinary action must set forth sufficient facts or circumstances to form a substantial basis to support the specific allegations of discrimination (as opposed, for example, to a denial by the complainant of a "Letter of Charges" on which the disciplinary action was based.)

b. ACTION BY OPERATING OFFICIALS ON COMPLAINTS (OR APPEALS)

- (1) Upon receipt of a complaint, the Operating Official will conduct or effect an immediate investigation for the purpose of determining the facts and establishing the validity of the complaint. If a proper complaint is confirmed, he will attempt through informal negotiation to effect a satisfactory settlement or take such measures as necessary to effect adjustment or correction. The Operating Official will then notify the complainant, the supervisory personnel concerned, and the Employment Policy Officer, in writing, of the disposition or settlement of the complaint.

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- (2) In the event of a lack of, or an unfavorable decision, the complainant shall be so advised in writing of the reasons. Supervisory officials, who are directly concerned, should also be advised of the decision. The complete file will then be forwarded to the Employment Policy Officer for review and further disposition.
- (3) In cases in which an applicant who has been disapproved for employment for security reasons claims discrimination, the Employment Policy Officer shall refer the complaint to the Director of Security for investigation and comment.

c. ACTION BY THE EMPLOYMENT POLICY OFFICER

(1) Investigations

- (a) Upon the receipt of a proper complaint, as outlined in paragraph 6, the Employment Policy Officer or his Deputy or designee will immediately initiate an investigation of the issues presented.
- (b) If the complaint involves a failure of appointment or promotion the investigation shall include, in all cases, an appraisal of employment practices in the organizational segment or unit in which the alleged discrimination occurred providing such appraisal has not been made within the preceding year.
- (c) Except in cases involving disciplinary actions, the burden of developing sufficient facts to resolve the issues in the case rests on the Operating Official concerned and supervisory officials within his jurisdiction rather than the complainant.
- (d) A summary of the pertinent facts disclosed by the complainant shall be furnished the complainant within the limitations of security and safeguarding classified information. An applicant complainant shall be provided a summary of the facts. On request of the complainant, and with concurrence of the Director of Security the full report of investigation and appraisal shall be made available for review.

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(e) After completion of the investigation and the appraisal, an attempt shall be made by the Employment Policy Officer, his Deputy or someone designated by them, to settle the complaint by informal negotiation with the complainant and the supervisory officials concerned. The summary report of investigation and appraisal will form the basis for informal negotiations.

d. APPEAL TO AND HEARING BY THE EMPLOYMENT POLICY OFFICER

(1) Hearing

(a) If the complaint cannot be satisfactorily adjusted, the complainant shall be advised of his right and given an opportunity for a hearing on the case.

(b) If the complainant requests such a hearing, the Employment Policy Officer shall make arrangements for it to be held.

(c) The hearing shall be conducted by the Employment Policy Officer, his Deputy, or someone designated by them and he may, if he so chooses, appoint a committee to sit with him, from among the officers or employees of the Agency.

(d) The complainant may, subject to the provisions in (e) below:

(1) Be assisted by a representative of his own choosing.

(2) Present pertinent facts either by witnesses in person or their affidavits.

(3) Submit documentary evidence.

If a hearing is held a transcript of the testimony will be made, if practicable, otherwise a full summary shall be made and agreed to by interested parties.

(e) Where the complainant is an employee whose duties are or were of a sensitive nature and where there is a possibility of the disclosure of such duties or other classified information being made at the hearing, such representatives, witnesses, or documentary evidence as may be required by

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such hearings, must be approved by the Director of Security or his Deputy. Following the investigation and hearing, if held, findings of fact and a recommendation of proposed resolution of the case shall be made by the Employment Policy Officer and presented to the complainant, at which time he shall be advised that he may have his case referred to the President's Committee on Government Employment Policy. If the complainant does not request referral of the case to the Committee, final decision thereon shall be made and furnished to him.

7. REVIEW OF CASES BY THE COMMITTEE

- a. Upon receipt of a request from the complainant for the referral of his case to the Committee, the Employment Policy Officer shall obtain Office of Security review and clearances and transmit the complete file of the case to the President's Committee within a period of five days.
- b. The Committee will accept for review any case coming within the purview of Executive Order 10590, if such case has been referred to it either by the Director or his representative, or if referred on specific request of the complainant provided that:
 - (1) The complaint was originally filed in accordance with established procedure and the complainant acted diligently in the prosecution of his complaint and has cooperated with the Agency in furnishing information.
 - (2) The issues presented have been thoroughly investigated and a hearing held thereon, if one has been requested by the complainant.
 - (3) An analysis and appraisal has been made by the Employment Policy Officer when indicated as required, through the existence of a proper complaint filed in accordance with the procedure as outlined in paragraph 6.
 - (4) Findings of fact and a recommended course of action on the resolution of the complaint have been made by the Employment Policy Officer.
- c. In its review of the case, the Committee may, when additional information is needed and when conditions warrant, request the complainant to make an appearance in person, by representative, or accompanied by a representative. If such appearance is made, the proceedings before

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the Committee will be conducted informally and appearances will be limited to the complainant, his representative and representatives of the Agency. In the event of such circumstances, the complainant and other Agency personnel who may be called on to make an appearance before the Committee, will be first briefed by the Office of Security prior to such review. In unusual circumstances the chairman may delegate a Hearing Officer or Hearing Committee to take testimony, in which case a verbatim transcript of such testimony will be made for consideration by the Committee.

- d. If the evidence in a case is inconclusive, the Committee may request the Director, or the Employment Policy Officer to furnish additional information, or the Committee may, on its own initiative, secure the required information by such investigation and inquiry as it finds necessary in order to resolve the issues in the case.
- e. On all the evidence introduced into the record of the case, the Committee shall draft findings of fact and when indicated, recommend to the Director, or his representative, appropriate corrective action. The findings and recommendations, when made, shall be transmitted to the Director, CIA, or his representative by the Executive Director of the President's Committee simultaneously with the return of the Agency file of the case.

8. FINAL DECISION

In those cases which are referred to the President's Committee for review, final decision thereon shall be made by the Director of CIA or someone designated by him, after receipt of an advisory opinion from the Committee.

9. NATIONAL SECURITY COUNCIL

With the concurrence of the Executive Secretary of the National Security Council, the CIA Employment Policy Officer will also act upon any cases involving employment practices which may arise among personnel of his office.

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In such case, the Executive Secretary of the National Security Council will take action prescribed herein for the Director of Central Intelligence.

FOR THE DIRECTOR OF CENTRAL INTELLIGENCE:

H. GATES LLOYD
Acting Deputy Director
(Support)

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